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STATE OF NEW JERSEY

CASINO CONTROL COMMISSION

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PUBLIC MEETING NO. 12-11-21

- - - - -

Wednesday, November 21, 2012

Atlantic City Commission Offices

Joseph P. Lordi Public Meeting Room - First Floor

Tennessee Avenue and Boardwalk

Atlantic City, New Jersey 08401

10:28 a.m. to 10:57 a.m.

Certified Court Reporter: Darlene Sillitoe

- - - - -

GUY J. RENZI & ASSOCIATES

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1 B E F O R E :

2 CASINO CONTROL COMMISSION:

3 MATTHEW B. LEVINSON, CHAIR
4 SHARON ANNE HARRINGTON, VICE CHAIR (VIA TELEPHONE)
5 ALISA COOPER, COMMISSIONER

6 PRESENT FOR THE CASINO CONTROL COMMISSION:

7 DARYL W. NANCE, ADMINISTRATIVE ANALYST
8 DANIEL J. HENEGHAN, PUBLIC INFORMATION OFFICER

9 OFFICE OF THE GENERAL COUNSEL:

10 DIANNA W. FAUNTLEROY, GENERAL COUNSEL/EXECUTIVE
11 SECRETARY
12 TERESA M. PIMPINELLI, SENIOR COUNSEL
13 SANDRA DeLIA, LEGAL SUPPORT SPECIALIST
14 DAVID LUBIN, PROGRAM SPECIALIST
15 JACK PLUNKETT, LICENSING

16 DIVISION OF GAMING ENFORCEMENT:

17 DEPUTY ATTORNEYS GENERAL
18 TRACY E. RICHARDSON, DEPUTY ATTORNEY GENERAL
19
20
21
22
23
24

1 A P P E A R A N C E S :

2 ITEM NO. 9 SANDRA DELIA, LEGAL SUPPORT SPECIALIST
3 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL

4 STERNS WEINROTH, PC
5 DENNIS DALY, ESQ.
FOR: CAESARS ENTERTAINMENT CORPORATION
AND CAESARS ENTERTAINMENT OPERATING
COMPANY, INC.

6
7 ITEM NO. 10 SANDRA DELIA, LEGAL SUPPORT SPECIALIST
TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL

8 STERNS WEINROTH, PC
9 DENNIS DALY, ESQ.
FOR: TROPICANA ENTERTAINMENT INCORPORATED

10 ITEM NO. 11 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL

11 DUANE MORRIS, LLP
12 GILBERT BROOKS, ESQ.
FOR: COLONY CAPITAL, LLC

13 ITEM NO. 12 SANDRA DELIA, LEGAL SUPPORT SPECIALIST
14 TRACY E. RICHARDSON, DEPUTY ATTORNEY
GENERAL

15 STERNS WEINROTH, PC
16 DENNIS DALY, ESQ.
FOR: ICAHN ENTERPRISES, GP, INC.

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1	AGENDA		
		PUBLIC MEETING NO. 12-11-21	
2		NOVEMBER 21, 2012, 10:28 a.m.	
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4	2 Applications for initial casino key employee licenses:		
5	a) Nilesh H. Acharya	9	9
	a) Joseph A. Cottone	9	9
6	b) Shannon L. Daviso	9	9
	c) Brian P. Devine	10	11
7	d) Mark J. Evans	11	11
	e) Francis A. Foti	11	12
8	f) Carol A. Merline	9	9
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9	h) Robert J. Sobolusky	9	9
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10	3 Applications for resubmitted casino key employee licenses:		
11	a) Thomas J. Caterina, Jr.	12	13
	b) Michael Decarlo	12	13
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	d) Barbara A. DiMuzio	12	13
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21	u) Thomas C. Papernik	12	13
	v) Edward S. Perry	12	13
22	w) Catherine B. Prescott	12	13
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23	y) Mark P. Raymond	12	13
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25	bb) Juan R. Rivera	12	13
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1	CONTINUED	AGENDA		
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2		NOVEMBER 21, 2012, 10:28 a.m.		
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4	ff) John J. Witmer		12	13
4	Temporary casino key employee licenses		14	-
5	issued between October 17, 2012, and			
6	November 21, 2012, pursuant to Delegation			
6	of Authority Resolution No. 11-05-23-11C			
5	Requests for inactivation of casino key		15	16
7	employee licenses:			
	a) Johnny M. Barrow			
8	b) Theresa A. Chamberlain			
	c) Alan R. Dyrek			
9	d) Frances Fragola-Eames			
	e) Jonathan J. Jaggars			
10	f) Andrew S. Jupina			
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11	h) Allen I. Samuels			
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12	6 Consideration of casino key employee		17	18
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14	c) James D. Cahill			
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15	e) Dominic M. Gara			
	f) Ilise A. James			
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	h) Michael D. McStay			
17	7 Consideration of temporary casino key			
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18	a) Walter Brown		18	20
	b) James Knights		20	21
19	8 Stipulation of settlement in application		21	23
	of April L. Kiett for a casino key employee			
20	license (DKT-12-0009-CK)			
21	9 Petition of Caesars Entertainment		24	26
	Corporation and Caesars Entertainment			
	Operating Company, Inc., requesting			
22	permission for Donald A. Colvin to perform			
	the duties and exercise the powers of the			
23	Chief Financial Officer of Caesars			
	Entertainment Operating Company, Inc.,			
24	pending plenary qualification (DGE PRN 3121201)			

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PUBLIC MEETING NO. 12-11-21
NOVEMBER 21, 2012, 10:28 a.m.

ITEM	PAGE	VOTE
10 Consideration of the qualification of Patricia W. Becker to serve as Chair of Compliance Committee for Tropicana Entertainment Incorporated	27	29
11 Consideration of the qualification of Richard S. Welch to serve as a Principal of Colony Capital, LLC	32	36
12 Consideration of the qualification of Keith Cozza as a Director of Icahn Enterprises, GP, Inc.	29	32

1

2

(Public Meeting 12-11-21 was commenced

3

at 10:28 a.m.)

4

MR. NANCE: Good morning. I'd like to

5

read an opening statement:

6

This is to advise the general public

7

that in compliance with Chapter 231 of the

8

Public Laws of 1975 entitled "The Open Public

9

Meetings Act," the New Jersey Casino Control

10

Commission on November 5th, 2012, filed with

11

the Secretary of State at the State House,

12

Trenton, New Jersey, a notice of this meeting.

13

On November 5th, 2012, copies were mailed to

14

subscribers.

15

Members of the press will be permitted

16

to take photographs. We ask that this be done

17

in a manner which is not disruptive or

18

distracting to the Commission.

19

The use of cell phones in the public

20

meeting room is prohibited.

21

Any member of the public who wish to

22

address the Commission will be given the

23

opportunity to do so before the Commission

24

adjourns for the day.

Please stand for the Pledge of

ITEM NO. 1

1 Allegiance.

2 (The flag salute was recited.)

3 MS. FAUNTLEROY: Good morning, Chairman.

4 CHAIR LEVINSON: Good morning.

5 MS. FAUNTLEROY: Commissioner Cooper.

6 COMMISSIONER COOPER: Good morning.

7 MS. FAUNTLEROY: I would note for the
8 record that Commissioner Harrington -- Vice
9 Chair Harrington -- is present by telephone.
10 The speaker system is set in the center of the
11 room, and she will be attending the meeting as
12 if she were here.

13 Matters addressed in the closed session
14 include employee key license matters as well as
15 approval of the closed-session minutes of
16 October 17, 2012.

17 Item No. 1 is ratification of the
18 minutes of the October 17, 2012, public
19 session.

20 CHAIR LEVINSON: Is there a motion?

21 COMMISSIONER COOPER: I move to ratify
22 the minutes of the October 17th, 2012, meeting.

23 CHAIR LEVINSON: Okay. Is there a
24 second?

VICE CHAIR HARRINGTON: I second that.

ITEM NO. 2

1 CHAIR LEVINSON: Okay. Any discussion?

2 (No response.)

3 CHAIR LEVINSON: All those in favor?

4 (Ayes.)

5 CHAIR LEVINSON: Opposed?

6 (No response.)

7 CHAIR LEVINSON: Motion carries.

8 MS. FAUNTLEROY: Item No. 2 are

9 applications for initial casino key employees

10 licenses. They include Nilesh Acharya, Joseph

11 Cottone, Shannon Daviso, Carol Merline, Blaise

12 Richards, Robert Sobolusky, and David Weber.

13 CHAIR LEVINSON: Is there a motion?

14 COMMISSIONER COOPER: Yes. I move to

15 grant the seven initial key employee license

16 applications.

17 CHAIR LEVINSON: Thank you.

18 Is there a second?

19 VICE CHAIR HARRINGTON: Second. I'll

20 second that motion.

21 CHAIR LEVINSON: Any discussion?

22 (No response.)

23 CHAIR LEVINSON: All those in favor?

24 (Ayes.)

ITEM NO. 2

1 (No response.)

2 CHAIR LEVINSON: Motion carries.

3 MS. FAUNTLEROY: You have three matters
4 that are for remand. There was an objection
5 from the Division. They include Brian Devine.

6 CHAIR LEVINSON: Is there a motion?

7 COMMISSIONER COOPER: I move to remand
8 for a hearing the casino key employee license
9 application of Brian P. Devine.

10 CHAIR LEVINSON: Okay. Do I have a
11 second?

12 VICE CHAIR HARRINGTON: I second that
13 motion.

14 CHAIR LEVINSON: Thank you.

15 Any discussion?

16 (No response.)

17 CHAIR LEVINSON: All those in favor?

18 (Ayes.)

19 CHAIR LEVINSON: Opposed?

20 (No response.)

21 CHAIR LEVINSON: Motion carries.

22 MS. FAUNTLEROY: The second matter that
23 was objected to, Mark Evans.

24 CHAIR LEVINSON: Is there a motion?

COMMISSIONER COOPER: I move to remand

ITEM NO. 2

1 for a hearing the casino key employee license
2 application of Mark J. Evans.

3 CHAIR LEVINSON: Thank you.

4 Is there a second?

5 VICE CHAIR HARRINGTON: I would second
6 that motion.

7 CHAIR LEVINSON: Any discussion?

8 (No response.)

9 CHAIR LEVINSON: All those in favor?

10 (Ayes.)

11 CHAIR LEVINSON: Opposed?

12 (No response.)

13 CHAIR LEVINSON: Motion carries.

14 MS. FAUNTLEROY: The third, Francis
15 Foti.

16 CHAIR LEVINSON: Okay. Is there a
17 motion?

18 COMMISSIONER COOPER: I move to grant --
19 excuse me. I move to -- excuse me.

20 I move to remand for a hearing the
21 casino key employee license application of
22 Francis A. Foti.

23 CHAIR LEVINSON: Thank you.

24 Is there a second?

VICE CHAIR HARRINGTON: I will second

ITEM NO. 3

1 that motion.

2 CHAIR LEVINSON: Thank you.

3 Any discussion?

4 (No response.)

5 CHAIR LEVINSON: All those in favor?

6 (Ayes.)

7 CHAIR LEVINSON: Opposed?

8 (No response.)

9 CHAIR LEVINSON: Motion carries.

10 MS. FAUNTLEROY: The third matter for
11 your consideration are the applications for
12 resubmitted casino key employee licenses.

13 I will not read the names into the
14 record but will request that the stenographer
15 insert them into the record, according. They
16 are items a through ff with the exception of k.

17 [Thomas J. Caterina, Jr., Michael
18 Decarlo, George W. Dib, Barbara A. DiMuzio,
19 Diane Dixon, Kevin M. Duffey, Frank V.
20 Fitzpatrick, Carol T. Greenbaum, William C.
21 Hoffman, Muhammad R. Iddinn, Victor C.
22 Jacalone, Calvin K. Jones, David L. Kessler,
23 Gerald M. Lee, Anthony M. Liguori, Lance A.
24 London, Joseph Marino, Michele T. McCants,

ITEM NO. 3

1 Edward S. Perry, Catherine B. Prescott, Miriam
2 E. Price, Mark P. Raymond, Barbara E. Reilly,
3 Michael E. Rinehart, Juan R. Rivera, John H.
4 Sacchetti, Leo E. Troy, Theresa A. Tyrrel, John
5 J. Witmer.]

6 CHAIR LEVINSON: Thank you very much.

7 Is there a motion?

8 COMMISSIONER COOPER: I move to grant
9 the 31 resubmitted casino key employee
10 licenses.

11 CHAIR LEVINSON: Thank you.

12 Is there a second?

13 VICE CHAIR HARRINGTON: I will second
14 that motion.

15 CHAIR LEVINSON: Thank you.

16 Any discussion?

17 (No response.)

18 CHAIR LEVINSON: All those in favor?

19 (Ayes.)

20 CHAIR LEVINSON: Opposed?

21 (No response.)

22 CHAIR LEVINSON: Motion carries.

23 MS. FAUNTLEROY: Item K is Gary
24 Imperatore.

There is a request from the Division to

ITEM NO. 4

1 remand for the hearing process.

2 CHAIR LEVINSON: Thank you.

3 Is there a motion?

4 COMMISSIONER COOPER: Yes. I move to
5 remand for a hearing the resubmitted casino key
6 employee license application of Gary
7 Imperatore.

8 CHAIR LEVINSON: Thank you.

9 Is there a second?

10 VICE CHAIR HARRINGTON: I'll second that
11 motion.

12 CHAIR LEVINSON: Any discussion?

13 (No response.)

14 CHAIR LEVINSON: All those in favor?

15 (Ayes.)

16 CHAIR LEVINSON: Opposed?

17 (No response.)

18 CHAIR LEVINSON: Motion carries.

19 MS. FAUNTLEROY: Item No. 4, are the
20 temporary casino key employee licenses issued
21 between October 17th, 2012, and November 21,
22 2012, pursuant to Delegation of Authority
23 Resolution No. 11-05-23-11C.

24 Mr. Plunkett is here to present the

matter which requires no action from the

ITEM NO. 5

1 Commission.

2 CHAIR LEVINSON: Thank you.

3 MR. PLUNKETT: Good morning, Mr.
4 Chairman.

5 CHAIR LEVINSON: Good morning.

6 MR. PLUNKETT: For your information,
7 subsequent to the October 17th, public meeting,
8 the following individuals have been granted
9 temporary casino employee licenses pursuant to
10 Delegated Authority Resolution No.
11 11-05-23-11C: Frank Angelozzi, Rafael
12 Figueroa, Franklin Mauger, Teresa Moody-Butler,
13 and James J. Puhalski.

14 No Commission action is required.

15 CHAIR LEVINSON: Thank you.

16 MS. FAUNTLEROY: Okay? Thank you.

17 Item No. 5 are requests for inactivation
18 of casino key employee licenses.

19 I refer to Jack Plunkett to present the
20 matter for your consideration.

21 MR. PLUNKETT: Commissioners, for your
22 consideration today are the names of nine
23 casino key employee licensees whose
24 informational review period ends the 30th of

25

this month.

ITEM NO. 5

1 In lieu of filing a resubmission form
2 and their licensing fee, they have requested
3 that their license be placed in an inactive
4 status for a period not to exceed five years.

5 Staff recommends that the following
6 casino key employee licenses be placed on an
7 inactive list: Johnny Barrow, Theresa
8 Chamberlain, Alan Dyrek, Frances Fragola-Eames,
9 Jonathan Jagers, Andrew Jupina, Brian
10 McDonough, Allen Samuels, and Patricia Steitz.

11 CHAIR LEVINSON: Thank you.

12 Is there a motion?

13 COMMISSIONER COOPER: Yes. I move to
14 grant the requested relief and order that the
15 nine casino key employee licenses be
16 inactivated.

17 CHAIR LEVINSON: Thank you.

18 Is there a second?

19 VICE CHAIR HARRINGTON: I will second
20 that motion.

21 CHAIR LEVINSON: Thank you.

22 Any discussion?

23 (No response.)

24 CHAIR LEVINSON: Seeing none, all those

25

in favor?

ITEM NO. 6

1 (Ayes.)

2 CHAIR LEVINSON: Opposed?

3 (No response.)

4 CHAIR LEVINSON: Motion carries.

5 MS. FAUNTLEROY: Item No. 6 for your
6 consideration are the casino key employee
7 license terminations.

8 MR. PLUNKETT: Item 6 contains the names
9 of eight casino key employee licensees who have
10 not completed the five-year informational
11 require -- information filing required by NJSA
12 5:12-94h(1), nor have they responded to
13 correspondence offering the opportunity to go
14 on the inactive list.

15 Consequently, staff recommends the
16 casino key employee licenses of these
17 individuals listed on the agenda be terminated.

18 CHAIR LEVINSON: Thank you.

19 Is there a motion?

20 COMMISSIONER COOPER: Yes. I move to
21 order that the eight casino key employee
22 licenses be terminated.

23 CHAIR LEVINSON: Thank you.

24 Is there a second?

VICE CHAIR HARRINGTON: I'll second that

ITEM NO. 7

1 motion.

2 CHAIR LEVINSON: Thank you.

3 Any discussion?

4 (No response.)

5 CHAIR LEVINSON: All those in favor?

6 (Ayes.)

7 CHAIR LEVINSON: Opposed?

8 (No response.)

9 CHAIR LEVINSON: Motion carries.

10 MS. FAUNTLEROY: Okay. Thank you.

11 Item No. 7 are the consideration of
12 temporary casino key employee license
13 extensions.

14 MS. PIMPINELLI: Good morning, Chairman,
15 Commissioners.

16 CHAIR LEVINSON: Good morning.

17 MS. PIMPINELLI: For your consideration
18 is a nunc pro tunc extension of the casino key
19 employee licenses of Walter Brown and James
20 Knights.

21 The reason for the request is that due
22 to the hurricane, we weren't able to have the
23 conferences scheduled to resolve their matters
24 before their licenses expired. And due to the

extraordinary circumstances of that, it's

ITEM NO. 7

1 recommended that their temporary key employee
2 license be extended.

3 It's a -- they are scheduled for
4 conferences today, and it's anticipated that
5 both will be resolved at the December meeting.

6 CHAIR LEVINSON: Wonderful.

7 Thank you.

8 Should I call -- would the Division like
9 to be heard to this matter?

10 MS. PIMPINELLI: I don't see anybody
11 here from the Division.

12 CHAIR LEVINSON: Okay. Can I have a
13 motion?

14 COMMISSIONER COOPER: Yes. I move that
15 we find good cause and extend the temporary
16 casino key employee license of Walter Brown
17 nunc pro tunc from November 16th, 2012, until
18 December 31st, 2012, pursuant to the
19 authority -- pursuant to the authority granted
20 the Commission under NJSA 5:12-75.

21 CHAIR LEVINSON: Thank you.

22 Is there a second?

23 VICE CHAIR HARRINGTON: I'll second that
24 motion.

CHAIR LEVINSON: Thank you.

ITEM NO. 7

1 Any discussion?

2 (No response.)

3 CHAIR LEVINSON: Seeing none, all those
4 in favor?

5 (Ayes.)

6 CHAIR LEVINSON: Opposed?

7 (No response.)

8 CHAIR LEVINSON: The motion carries.

9 MS. FAUNTLEROY: Mr. Knights, James
10 Knights.

11 CHAIR LEVINSON: Thank you.

12 The Division? No? Okay.

13 Motion?

14 COMMISSIONER COOPER: I move that we
15 find good cause and extend the temporary casino
16 key employee license of James Knights nunc pro
17 tunc from November 15, 2012, until December
18 31st, 2012, pursuant to the authority granted
19 the Commission under NJSA 5:12-75.

20 CHAIR LEVINSON: Thank you.

21 Is there a second?

22 VICE CHAIR HARRINGTON: I will second
23 that motion.

24 CHAIR LEVINSON: Thank you.

ITEM NO. 8

1 (No response.)

2 CHAIR LEVINSON: All those in favor?

3 (Ayes.)

4 CHAIR LEVINSON: Opposed?

5 (No response.)

6 CHAIR LEVINSON: The motion carries.

7 MS. PIMPINELLI: Thank you.

8 CHAIR LEVINSON: Thank you, Teresa.

9 MS. FAUNTLEROY: You can stay --

10 presented.

11 (Conferring.)

12 MS. FAUNTLEROY: Oh, okay. Item No. 8,
13 the stipulation of settlement in the
14 application of April L. Kiett for a casino key
15 employee license.

16 CHAIR LEVINSON: Thank you.

17 MS. FAUNTLEROY: Mr. Lubin is here to
18 present the matter for your consideration.

19 MR. LUBIN: Good morning, Chair and
20 Commissioners.

21 CHAIR LEVINSON: Good morning.

22 MR. LUBIN: For your consideration is
23 the matter of April L. Kiett who has filed an
24 initial application for casino key employee

ITEM NO. 8

1 The Division interposed an objection
2 with the Commission and requested the matter be
3 remanded to a hearing. Subsequently, at a
4 prehearing conference, Miss Kiett and the
5 Division agreed to enter into a stipulation of
6 settlement with conditions which will permit
7 Miss Kiett to obtain her casino key employee
8 license.

9 This stipulation is now before you for
10 your review and consideration.

11 Miss Kiett has been notified of this
12 matter, and she is here to answer any questions
13 you may have this morning.

14 In addition, Mr. Bisciegliia on behalf of
15 the Division who has handled this matter does
16 not appear to be present.

17 Thank you very much.

18 CHAIR LEVINSON: Thank you.

19 Miss Kiett, would you like to have
20 anything to say?

21 MS. KIETT: No. I mean, they just set
22 up a payment plan, so.

23 CHAIR LEVINSON: Okay. All right.

24 MS. KIETT: That's pretty much it.

CHAIR LEVINSON: All right. Thank you.

ITEM NO. 8

1 MS. FAUNTLEROY: All right. In light of
2 the brief comments, we won't swear her in.

3 CHAIR LEVINSON: Okay.

4 MS. FAUNTLEROY: There was nothing that
5 she added to the record.

6 CHAIR LEVINSON: Thank you.

7 That calls for a motion.

8 COMMISSIONER COOPER: I move to approve
9 the stipulation of settlement and grant April
10 L. Kiett casino key employee license
11 application subject to compliance with the wage
12 execution and consent agreement.

13 CHAIR LEVINSON: Thank you.

14 Is there a second?

15 VICE CHAIR HARRINGTON: I'll second that
16 motion.

17 CHAIR LEVINSON: Thank you.

18 Any discussion?

19 (No response.)

20 CHAIR LEVINSON: All those in favor?

21 (Ayes.)

22 CHAIR LEVINSON: Opposed?

23 (No response.)

24 CHAIR LEVINSON: Motion carries.

Thank you very much.

ITEM NO. 9

1 MS. FAUNTLEROY: Point of personal
2 privilege, we have had three pronunciations of
3 your name. What is your correct pronunciation
4 of your name?

5 MS. KIETT: Kiett.

6 MS. FAUNTLEROY: Kiett. Thank you.

7 CHAIR LEVINSON: Kiett. Did one of us
8 get it right?

9 MS. FAUNTLEROY: No.

10 (Laughter.)

11 MS. FAUNTLEROY: We all got it wrong.

12 Thank you.

13 Item No. 9 is a petition of Caesar's
14 Entertainment Corporation and Caesar's
15 Entertainment Operating Company, Inc.,
16 requesting permission for Donald Colvin to
17 perform the duties and exercise the powers of
18 the Chief Financial Officer of Caesar's
19 Entertainment Operating Company, Inc., pending
20 plenary qualification.

21 We have Sandy DeLia here to present the
22 matter for your consideration.

23 CHAIR LEVINSON: Thanks.

24 MS. DeLIA: Good morning, Chairman.

CHAIR LEVINSON: Good morning.

ITEM NO. 9

1 MS. DeLIA: Good morning, Commissioners.

2 A draft resolution has been circulated
3 to the parties.

4 Dennis Daly is here on behalf of the
5 petitioners and Tracy Richardson is here on
6 behalf of the Division.

7 CHAIR LEVINSON: Thank you.

8 Mr. Daly? Would you like to be heard?

9 MR. DALY: Thank you, Mr. Chairman,
10 Commissioners. Happy holidays to you, before I
11 forget.

12 CHAIR LEVINSON: Same to you.

13 MR. DALY: I've had the opportunity to
14 review the draft resolution and simply urge
15 that you adopt it.

16 CHAIR LEVINSON: Okay. Thank you.

17 Miss Richardson?

18 MS. RICHARDSON: Good morning, Chair and
19 Commissioners.

20 CHAIR LEVINSON: Good morning.

21 MS. RICHARDSON: Tracy Richardson from
22 the Division of Gaming Enforcement.

23 You have our letter from Deputy Attorney
24 General Adams dated November 14th recommending

Mr. Colvin's temporary qualification, and we've

ITEM NO. 9

1 reviewed the draft resolution and have no
2 objection to it.

3 CHAIR LEVINSON: Thank you very much.

4 Is there any question for counsel?

5 (No response.)

6 CHAIR LEVINSON: Seeing none, I'll call
7 a motion.

8 COMMISSIONER COOPER: I move that we
9 adopt the draft resolution and authorize Donald
10 A. Colvin on a temporary basis and prior to his
11 plenary qualification to assume the duties and
12 exercise the powers of Chief Financial Officer
13 for Caesar's Entertainment Operating Company,
14 Inc., subject to the conditions contained in
15 NJSA 5:12-85.1c, NJSA 5:12-89b(1) and (2), and
16 NJAC 13:69c-2.7.

17 CHAIR LEVINSON: Thank you.

18 Do I have a second?

19 VICE CHAIR HARRINGTON: I'll second that
20 motion.

21 CHAIR LEVINSON: Okay. Any discussion?

22 This a roll call vote.

23 MS. FAUNTLEROY: Commissioner Cooper?

24 COMMISSIONER COOPER: Yes.

MS. FAUNTLEROY: Vice Chair Harrington?

ITEM NO. 10

1 VICE CHAIR HARRINGTON: Yes.

2 MS. FAUNTLEROY: Chairman Levinson?

3 CHAIR LEVINSON: Yes.

4 MS. FAUNTLEROY: The motion passed
5 unanimately.

6 CHAIR LEVINSON: Thank you.

7 MS. FAUNTLEROY: The next matter for
8 your consideration is the qualification of
9 Patricia W. Becker to serve as Chair of
10 Compliance Committee for Tropicana
11 Entertainment, Incorporated.

12 CHAIR LEVINSON: Thank you.

13 MS. FAUNTLEROY: Sandy DeLia is here to
14 present the matter for your consideration.

15 MS. DeLIA: Patricia Becker was found
16 qualified by the Commission on February 15th,
17 2012, to serve as the Chair of the Compliance
18 Committee for Tropicana for a period of nine
19 months expiring on November the 14th, 2012.

20 Due to the recent state of emergency,
21 our meeting was rescheduled to today, so the
22 resolution will find her qualified nunc pro
23 tunc to November the 14th.

24 The draft resolution has been circulated

ITEM NO. 10

1 Dennis Daly is here on behalf of the
2 Petitioner and Tracy Richardson on behalf of
3 the Division.

4 CHAIR LEVINSON: Thank you.

5 Mr. Daly, would you like to be heard?

6 MR. DALY: Thank you, Mr. Chairman.

7 Again, I simply urge the adoption of the
8 draft resolution.

9 CHAIR LEVINSON: Thank you very much.

10 Miss Richardson?

11 MS. RICHARDSON: Good morning again.

12 Our report dated October 10th recommends
13 Miss Becker's plenary qualification, and we
14 have no objection to the draft resolution.

15 CHAIR LEVINSON: Thank you.

16 Any questions for counsel?

17 MS. RICHARDSON: Thank you.

18 CHAIR LEVINSON: Seeing none, I call for
19 a motion.

20 COMMISSIONER COOPER: I move that we
21 find good cause pursuant to NJAC 13:69-1.3(d)
22 and extend the period of temporary
23 qualification pursuant to NJAC 13:69c-2.7 and
24 find Patricia W. Becker qualified to serve as

ITEM NO. 12

1 Entertainment, Incorporated, nunc pro tunc to
2 November 14th, 2012, in accordance with NJSA
3 5:12-85.1c and d, NJSA 5:12-89b(1) and (2), and
4 NJAC 13:69c-2.7.

5 CHAIR LEVINSON: Thank you.

6 Do I have a second?

7 VICE CHAIR HARRINGTON: I will second
8 that motion.

9 CHAIR LEVINSON: Thank you.

10 Any discussion?

11 (No response.)

12 CHAIR LEVINSON: This is a roll call
13 vote.

14 MS. FAUNTLEROY: Commissioner Cooper?

15 COMMISSIONER COOPER: Yes.

16 MS. FAUNTLEROY: Vice Chair Harrington?

17 VICE CHAIR HARRINGTON: Yes.

18 MS. FAUNTLEROY: Chairman Levinson?

19 CHAIR LEVINSON: Yes.

20 MS. FAUNTLEROY: Let the record reflect
21 that the motion passed unanimously.

22 CHAIR LEVINSON: Thank you.

23 MS. FAUNTLEROY: We will skip to Item
24 No. 12 for expediency.

ITEM NO. 12

1 qualification of the Keith Cozza as a Director
2 of Icahn Entertainment Enterprises, GP, Inc.

3 MS. DeLIA: Keith Cozza was a qualifier
4 of Icahn Enterprises until March 16th, 2011,
5 when he was removed sua sponte by Division
6 order.

7 Mr. Cozza is, again, in a qualifying
8 position as a member the board of directors of
9 Icahn Enterprises.

10 The Division recommended that Mr. Cozza
11 be found qualified to serve as Director.

12 The draft resolution has been circulated
13 to the parties.

14 Dennis Daly is here on behalf of the
15 Petitioner and Tracy Richardson is here on
16 behalf of the Division.

17 CHAIR LEVINSON: Thank you.

18 Mr. Daly, do you wish to be heard?

19 MR. DALY: Just once again, this time
20 also to thank the Division for its expedient
21 resolution of this matter.

22 And point of clarification, is this a
23 permanent qualification as opposed to --

24 MS. DeLIA: Yes. It's a plenary

ITEM NO. 12

1 MR. DALY: Thank you very much.

2 CHAIR LEVINSON: Thank you.

3 MR. DALY: With that, I urge to you
4 adopt the resolution.

5 CHAIR LEVINSON: Thank you.

6 Miss Richardson?

7 MS. RICHARDSON: Good morning again.

8 CHAIR LEVINSON: Good morning.

9 MS. RICHARDSON: You have our response
10 from DAG Adams on November 15th recommending
11 that Mr. Cozza be -- continue to be considered
12 a qualifier. And we have no objection to the
13 resolution.

14 CHAIR LEVINSON: Thank you very much.

15 MS. RICHARDSON: Thank you.

16 CHAIR LEVINSON: Any questions for
17 counsel?

18 (No response.)

19 CHAIR LEVINSON: Hearing none, I call a
20 motion.

21 COMMISSIONER COOPER: I move to adopt
22 the draft resolution and find Keith Cozza
23 qualified to serve as a Director of Icahn
24 Enterprises, GP, Inc., in accordance with NJSA

ITEM NO. 11

1 and NJAC 13:69c-2.7.

2 CHAIR LEVINSON: Thank you.

3 Do I have a second?

4 VICE CHAIR HARRINGTON: I would second
5 that motion.

6 CHAIR LEVINSON: Thank you.

7 Discussion?

8 (No response.)

9 CHAIR LEVINSON: Hearing none, this is a
10 roll call vote.

11 MS. FAUNTLEROY: Commissioner Cooper?

12 COMMISSIONER COOPER: Yes.

13 MS. FAUNTLEROY: Vice Chair Harrington?

14 VICE CHAIR HARRINGTON: Yes.

15 MS. FAUNTLEROY: Chairman Levinson?

16 CHAIR LEVINSON: Yes.

17 MS. FAUNTLEROY: Let the record reflect
18 that the motion passed unanimously.

19 CHAIR LEVINSON: Thank you.

20 MR. DALY: Thank you.

21 CHAIR LEVINSON: Thank you very much.

22 MS. FAUNTLEROY: Now returning to Item
23 No. 11, which is the consideration of the
24 qualification of Richard S. Welch to serve as a

ITEM NO. 11

1 Miss Delia is here to present that
2 matter as well.

3 CHAIR LEVINSON: Thank you.

4 MS. DeLIA: Richard Welch is a principal
5 of Colony Capital, LLC, an entity qualifier of
6 casino licensee of RIH Acquisitions.

7 During the recent resubmission process,
8 Mr. Welch was designated as a discretionary
9 qualifier by the Division based on his enhanced
10 role with respect to critical business
11 decisions involving RIH Acquisitions following
12 the 2011 restructuring.

13 The resolution finds Mr. Welch qualified
14 to act on behalf of Colony Capital in
15 connection with the ownership and operation of
16 the Atlantic Club Casino Hotel by RIH
17 Acquisitions.

18 The draft resolution has been circulated
19 to the parties.

20 Gilbert Brooks is here on behalf of the
21 Petitioner, and Tracy Richardson is here on
22 behalf of the Division.

23 CHAIR LEVINSON: Thank you.

24 Mr. Brooks, do you wish to be heard?

MR. BROOKS: Good morning.

ITEM NO. 11

1 CHAIR LEVINSON: Good morning.

2 MR. BROOKS: Good morning, again,
3 Commissioner Cooper, Commissioner Harrington,
4 and, again, Chairman Levinson. Gil Brooks of
5 Duane Morris appearing on behalf of the RIH
6 Acquisitions New Jersey, LLC.

7 We've had a chance to review the reports
8 of the Division, both the November 13th report
9 and the November 14th report, both of which
10 recommend that Mr. Welch be found qualified, as
11 indicated by the draft resolution. And we've
12 had a chance to review the draft resolution
13 that's been prepared by Commission staff. And
14 we would urge that the adoption of the draft
15 resolution.

16 I would ask also like to thank Sandy
17 DeLia and Mary Wozniak and Tracy Richardson
18 from the Division for their help and assistance
19 in connection with this matter.

20 CHAIR LEVINSON: Thank you.

21 MR. BROOKS: And I have nothing further
22 unless there's any questions from the
23 Commission.

24 CHAIR LEVINSON: Thank you very much.

ITEM NO. 11

1 MS. RICHARDSON: Thank you, Chairman.

2 Good morning, again.

3 We filed a report November 13th
4 recommending the qualification of Mr. Welch and
5 had a correction letter submitted to you on
6 November 14th.

7 And we also consent to the draft
8 resolution.

9 CHAIR LEVINSON: Okay. Thank you very
10 much.

11 MS. RICHARDSON: Thank you.

12 CHAIR LEVINSON: Any questions for
13 counsel?

14 (No response.)

15 CHAIR LEVINSON: Call for a motion.

16 COMMISSIONER COOPER: I move to adopt
17 the draft resolution and find Richard S. Welch
18 qualified to act on behalf of Colony Capital,
19 LLC, in connection with the ownership and
20 operation of the Atlantic Club Casino Hotel by
21 RIH Acquisition New Jersey, LLC, in accordance
22 with NJSA 5:12-85.1c and d. Excuse me. NJSA
23 5:12-89b(1) and (2), and NJAC 13:69c-2.7.

24 CHAIR LEVINSON: Thank you.

ITEM NO. 11

1 VICE CHAIR HARRINGTON: I'll second that
2 motion.

3 CHAIR LEVINSON: Any discussion?

4 This is a roll call vote.

5 MS. FAUNTLEROY: Commissioner Cooper?

6 COMMISSIONER COOPER: Yes.

7 MS. FAUNTLEROY: Vice Chair Harrington?

8 VICE CHAIR HARRINGTON: Yes.

9 MS. FAUNTLEROY: Chairman Levinson?

10 CHAIR LEVINSON: Yes.

11 MS. FAUNTLEROY: Let the record reflect
12 that the motion has been passed unanimously.

13 CHAIR LEVINSON: Thank you. Thank you
14 very much.

15 MR. BROOKS: Thank you very much, and
16 Happy Thanksgiving to you.

17 CHAIR LEVINSON: Same to you.

18 MS. FAUNTLEROY: In accordance with
19 Resolution 11-04-06-02, the next closed session
20 shall be held on Wednesday, December 12, 2012,
21 at 9:30 a.m. in the Commission offices.

22 CHAIR LEVINSON: Thank you.

23 This is the public portion of the
24 meeting.

Does anyone from the public wish to be

1 heard?

2 (No response.)

3 CHAIR LEVINSON: Seeing none, I call for
4 a motion to adjourn.

5 VICE CHAIR HARRINGTON: So moved.

6 (Laughter.)

7 CHAIR LEVINSON: I'll second it.

8 All those in favor?

9 (Ayes.)

10 CHAIR LEVINSON: Opposed?

11 (No response.)

12 CHAIR LEVINSON: The motion -- the
13 meeting is adjourned.

14 Thank you very much, and have a happy
15 holiday.

16 VICE CHAIR HARRINGTON: Thank you very
17 much.

18 COMMISSIONER COOPER: Okay. Before
19 everybody leaves, I also want to echo -- just
20 before everybody leaves, I want to echo our
21 Chairman's wishes and to all those assembled
22 here today, each and every one of you on behalf
23 of the Commission and Mr. Levinson and Sharon's
24 on the phone, a very happy and healthy, safe,

joyous Thanksgiving to each and every one.

1 Enjoy the holiday.

2 CHAIR LEVINSON: Thank you.

3 MS. FAUNTLEROY: Thank you.

4 CHAIR LEVINSON: Make sure that's on the
5 record. I cut her off. I feel bad.

6 MS. FAUNTLEROY: She was still typing.

7 CHAIR LEVINSON: All right. Good.

8 Okay, everybody. Thank you,

9 teleconference participant.

10 (Public Meeting 12-11-21 was adjourned
11 at 10:57 a.m.)

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C E R T I F I C A T E

I, DARLENE SILLITOE, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings.

I further certify that I am neither attorney, of counsel for, nor related to or employed by any of the parties to the action; further that I am not a relative or employee of any attorney or counsel employed in this case; nor am I financially interested in the action.

DARLENE SILLITOE, CCR
License No 30XI0102300

Dated: November 22, 2012
My Notary Commission Expires
July 22, 2014

